REMARKS/ARGUMENTS

Reconsideration of the above-identified patent application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-17 are in this case. Claims 4, 6, and 17 have been rejected on the basis of informalities. Claims 1-17 have been rejected under § 112, second paragraph and § 103(a).

Informality Rejections

The Examiner has objected to Claims 4, 6 and 17 on the basis of informalities. The Applicant has canceled the above-mentioned claims.

§ 112, Second Paragraph Rejections

The Examiner has stated that Claims 1-17 are rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The above-mentioned claims have been canceled.

§ 103(a) Rejections-Glenn et al. '872

The Examiner has rejected dependent Claim 9 under § 103(a) as being unpatentable over Shovers 5,696,981, in view of Snyder 4,931,934, in view of Kenknight 6,878,111,in view of Lui 2002/0009696 in view of Glen et al 2002/010872. The Examiner states that:

> "providing for the receipt of assistance in the form of guidance, advice and assessments from the relationship between the personal database and the advice and guidance pool (Para.0041), and a connection between the data base in the personal application or the database connected by wireless or landline telephone, by internet or a local area network or non-personal multi-user network (FIG 1, labels 107 and 108)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Shovers in view of Snyder, in view of Kenknight, in view of Lui and further in view of Glenn by implementing an internet connection between the subject's home computer system and the physician's office computer system in order to exchange data regarding mood or emotion in an efficient manner so that the subject would get the assistance he/she needs immediately".

The Examiner has brought the Applicant's attention to Paragraph 0041:

"...Every month, or at a frequency determined by their physician, the patient returns data to the system administrator computer either by E-Mail over the Internet or by diskette. The data from the patient is analyzed and reports are displayed and printed...."

Although from the above quotation it is not clear who is analyzing and printing the reports, it is clear that Glenn is teaching a computer system configured to analysis and chart a person's history to medication administered as treatment to an emotional disorder without providing recommendations regarding future medications as may be seen in the following excerpts:

Abstract

"In a computer system having a storage device, a method for gathering clinical data useful the clinical analysis and treatment of mood disorders.... The method further includes selecting a point on a scale depicting the patient's current mood; selecting a sleep icon for updating sleep data, and, selecting a medication icon for updating sleep date, and selecting a medication icon for updating type and amount of medication taken."

Summary of the Invention

"The present invention is a system and method for providing immediate longitudinal analysis of patient data to assist clinicians with treatment of mood disorders.... Clinicians can obtain both descriptive charts and statistical analyses of all collected patient data in the administrative system."

Paragraph 0048

"...Medications are displayed by trade and generic name, as well as strength. For each medication displayed, data is entered by the count of pills take for the day..."

Paragraph 70

>   "The bottom graph Medications versus Time shows
>   which medications were taken each day by the patient for the
>   time period selected..."

Paragraph 86

>   "The bottom graph shows statistics based on medication data,
>   calculated for either a 7-day period a extending fro 120
>   days...."

Furthermore, the Figures indicate that Glenn teaches a system for recording, analyzing, and presenting a patient's history based on patient input in regards to medication administered as treatment to an emotional disorder. The system do not provide recommendations regarding future medications as may be seen in Figure 2 label 207, Figure 4 label 409, Figures 5 and 6, Figure 9 label 904, and Figures 13-15.

In contrast to Glen, the current application teaches a computer system configured to provide a patient with an actual recommendation to improve his emotional state as may be seen in the following excepts from the current application:

Page 6-7 lines 173-176

>   "The computer system is based on the user's personal
>   data system and presents the user with alternatives to
>   performing various actions, some of which are advice for
>   actual enactment, and others material for thought in the form
>   of directing questions."

Furthermore the current application teaches a system configured to enable a user to choose from different sources of assistance like user support groups, human operators, and databases as may be seen in the paragraphs beginning with lines 201, 221, and 228 on pages 7 and 8 of the current application.
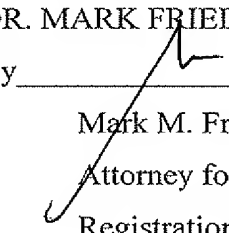
In view of the above, one skilled in the art would not improve a system for "gathering clinical data" taught by Glen, by providing the user-responsive

recommendation provider disclosed in the current application thereby rendering the current application as non-obvious.

§ 103(a) Rejections- Shovers '981 in View of Snyder '934

The Examiner has rejected independent claim 1 on the basis of Shovers in view of Snyder as being obvious. The Applicant has added independent claim 18 which is previous Claim 9 appended to previous Claim 1 so as to claim a computer-aided method for improving a user's emotional state by providing a recommendations for improvement of an emotional state thereby differentiating the current invention from both the personality and emotional modeling systems taught by Shovers and Snyder.

In light of the above remarks and amendments, new independent Claim 18 and dependent Claims 19-28 depending therefrom, Applicant asserts that the current application is in a state of allowance and therefore a timely Notice of Allowance is respectfully solicited.

Respectfully submitted,
DR. MARK FRIEDMAN, LTD
By_____
Mark M. Friedman
Attorney for Applicant
Registration No. 33,883

Date: October 30, 2008